

109TH CONGRESS  
1ST SESSION

# H. R. 3861

To amend title XVIII of the Social Security Act to provide extended and additional protection to Medicare beneficiaries who enroll for the Medicare prescription drug benefit during 2006.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2005

Mr. STARK (for himself, Ms. SCHAKOWSKY, Mr. DINGELL, Mr. RANGEL, Mr. GEORGE MILLER of California, Mr. BROWN of Ohio, Mr. WAXMAN, and Mr. PALLONE) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title XVIII of the Social Security Act to provide extended and additional protection to Medicare beneficiaries who enroll for the Medicare prescription drug benefit during 2006.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “The Medicare In-  
5       formed Choice Act of 2005”.

1 **SEC. 2. EXTENDED PERIOD OF OPEN ENROLLMENT DUR-**  
2 **ING ALL OF 2006 WITHOUT LATE ENROLL-**  
3 **MENT PENALTY.**

4 Section 1851(e)(3)(B) of the Social Security Act (42  
5 U.S.C. 1395w-21(e)(3)(B)) is amended—

6 (1) in clause (iii), by striking “May 15, 2006”  
7 and inserting “December 31, 2006”; and

8 (2) by adding at the end the following new sen-  
9 tence:

10 “An individual making an election during the  
11 period beginning on November 15, 2006, and  
12 ending on December 15, 2006, shall specify  
13 whether the election is to be effective with re-  
14 spect to 2006 or with respect to 2007 (or  
15 both).”.

16 **SEC. 3. ONE-TIME CHANGE OF PLAN ENROLLMENT FOR**  
17 **MEDICARE PRESCRIPTION DRUG BENEFIT**  
18 **DURING ALL OF 2006.**

19 (a) APPLICATION TO MA-PD PLANS.—Section  
20 1851(e) of the Social Security Act (42 U.S.C. 1395w-  
21 21(e)) is amended—

22 (1) in paragraph (2)(B)—

23 (A) in the heading, by striking “FOR FIRST  
24 6 MONTHS”;

25 (B) in clause (i)—

1 (i) by striking “the first 6 months of  
2 2006” and inserting “2006”; and

3 (ii) by striking “the first 6 months  
4 during 2006” and inserting “2006”;

5 (C) in clause (ii), by inserting “(other than  
6 during 2006)” after “paragraph (3)”; and

7 (D) in clause (iii), by striking “2006” and  
8 inserting “2007”; and

9 (2) in paragraph (4), by striking “2006” and  
10 inserting “2007” each place it appears.

11 (b) CONFORMING AMENDMENT TO PART D.—Section  
12 1860D–1(b)(1)(B)(iii) of such Act (42 U.S.C. 1395w–  
13 101(b)(1)(B)(iii)) is amended by striking “subparagraphs  
14 (B) and (C) of paragraph (2)” and inserting “paragraph  
15 (2)(C)”.

16 **SEC. 4. PROTECTION FROM LOSS OF EMPLOYMENT-BASED**  
17 **RETIREE HEALTH COVERAGE UPON ENROLL-**  
18 **MENT FOR MEDICARE PRESCRIPTION DRUG**  
19 **BENEFIT DURING 2006.**

20 Section 1860D–22(a)(2) (42 U.S.C. 1395w–  
21 132(a)(2)) is amended by adding at the end the following  
22 new subparagraph:

23 “(D) PROTECTION FROM LOSS OF EM-  
24 PLOYMENT-BASED COVERAGE.—The sponsor of  
25 the plan may not involuntarily discontinue cov-

1           erage of an individual under a group health  
2           plan before January 1, 2007, based upon the  
3           individual's decision to enroll in a prescription  
4           drug plan or an MA–PD plan under this part.”.

5 **SEC. 5. EFFECTIVE DATE.**

6           The amendments made by this section shall be effec-  
7   tive as if included in the enactment of the Medicare Pre-  
8   scription Drug, Improvement, and Modernization Act of  
9   2003 (Public Law 108–173).

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